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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 OKI AMERICA, INC. et al.,

No. C 04-03171 CRB

12 Plaintiff,

ORDER

13 v.

14 ADVANCED MICRO DEVICES, INC.,

15 Defendant.
16 _____/

17 and related counterclaims
18 _____/

19 Now pending before the Court for decision are OKI's motion to strike the
20 supplemental expert report of Alan Ratliff (Docket no. 309); OKI's motion to strike the
21 newest supplemental report of Alan Ratliffe (Docket no. 386); and OKI's motion to strike the
22 supplemental infringement contentions of Dr. Bruce Smith (Docket no. 366). After carefully
23 considering the parties' submissions, the Court rules as follows:

24 1. OKI's motion to strike the supplemental expert report of Alan Ratliff is
25 DENIED. Oki's expert testified that he was able to take Ratliff's supplement into account in
26 the preparation of his rebuttal report.


27 2. Oki's motion to strike the newest supplemental report of Alan Ratliffe is
28 DENIED; however, Oki may take Ratliffe's deposition solely on the opinions disclosed in
the August 31, 2006 report and nothing more. AMD must make Ratliffe available on or

1 before October 6, 2006, unless the parties agree otherwise. Oki need not submit a further
2 rebuttal report addressing Ratliffe's August 31, 2006 report; instead, Oki's expert may rebut
3 the new opinions at trial.

4 3. OKI's motion to strike the supplemental infringement contentions of Dr. Bruce
5 Smith is DENIED; however, Oki may take the deposition of Dr. Smith and question him
6 about the new infringement contentions raised in the August 11, 2006 and August 30, 2006
7 reports, and nothing more. AMD must make Dr. Smith available on or before October 6,
8 2006, unless the parties agree otherwise. Oki need not submit a further rebuttal report
9 addressing Dr. Smith's new experiments and infringement contentions; instead, Oki's expert
10 may rebut the new opinions at trial.

11 **IT IS SO ORDERED.**

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13 Dated: September 25, 2006

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California